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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES BRADY, SARAH CAVANAGH,
and IVA CHIU, individually and on behalf
of all others similarly situated,

Plaintiffs,

vs.

DELOITTE & TOUCHE LLP, a limited
liability partnership; and DOES 1-10,
inclusive,

Defendants

CASE NO.: C-08-00177 SI

**STIPULATION AND [PROPOSED]
ORDER RE: CLARIFYING
SCHEDULE FOR DISPOSITIVE
MOTIONS AND SETTING
STATUS CONFERENCE**

STIPULATION

Pursuant to Local Rules 16 and 7-12, Plaintiffs and Defendant, through their respective counsel, submit the following stipulation and [proposed] order regarding the previously scheduled dates for dispositive motions.

WHEREAS, at the status conference on April 2, 2010, the Court advised the parties that either party could file a dispositive motion as soon as such motion was ready to be filed and that if a motion was filed on or before May 14, 2010 it could be heard on July 2, 2010, which scheduling would allow for cross-motions to be briefed;

WHEREAS, the Court further advised the parties that that if no dispositive motion is filed by May 14, 2010, the presently set July 2, 2010 hearing date would proceed as a further status conference only if the parties felt a further status conference would be appropriate;

WHEREAS, on April 7, 2010 an order was issued by the Court setting a hearing date for dispositive motions of July 2, 2010 and a filing date for dispositive motions of May 14, 2010 ;

WHEREAS, the parties and Court did not discuss or intend the dispositive motion filing date of May 14, 2010 to be construed as the definitive and final deadline for filing and hearing dispositive motions in this action as the parties informed the Court that further discovery may be necessary prior to the filing of such motions;

WHEREAS, Defendant has discovery outstanding and the parties did not file dispositive motions on May 14, 2010 but still intend to do so at a later date;

WHEREAS, the parties have agreed to a briefing schedule that will apply when dispositive motions are filed;

WHEREAS, the parties agree that it is prudent to clarify any ambiguity about when dispositive motions can be filed;

NOW THEREFORE, the parties hereby stipulate, as follows:

1 1. The previously scheduled July 2, 2010 hearing date for dispositive
2 motions shall instead proceed as a further status conference;

3 2. The parties are not precluded from filing dispositive motions at a later
4 date;

5 3. If either party files a motion for summary judgment or partial summary
6 judgment, the party will notice the hearing on the motion for not less than 49 days
7 from the date of filing in order for the following sequential briefing schedule to
8 occur: Opposition to motion and cross motion, if any, both due 35 days before
9 hearing; opposition to cross-motion and reply on motion due 21 days before hearing;
10 reply on cross-motion due 14 days before the hearing.

11
12 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

13
14 COUNSEL FOR PLAINTIFFS

15 DATE: May 14, 2010

16 By: /s/ William A. Baird
17 WILLIAM A. BAIRD
18 JEFFREY K. COMPTON
19 Markun Zusman & Compton LLP
20 STEVE ELSTER
21 Law Office of Steve Elster

22
23 COUNSEL FOR DEFENDANTS

24 DATE: May 14, 2010

25 By: /s/ Mary Ferrer Hansbury
26 LINDA E. SHOSTACK
27 JAMES E. BODDY, JR.
28 MARY FERRER HANSBURY
Morrison & Foerster LLP

ECF CERTIFICATION

I hereby attest that I have obtained concurrence regarding the filing of this document from each of the signatories within the e-filed document.

DATE: May 14, 2010

By: /s/ William A. Baird
William A. Baird

PURSUANT TO STIPULATION AND GOOD CAUSE APPEARING, IT IS SO ORDERED.

DATED: _____



Honorable Susan Illston
United States District Court Judge

ECF CERTIFICATION

I hereby attest that I have obtained concurrence regarding the filing of this document from each of the signatories within the e-filed document.

DATE: May 14, 2010 By: /s/ William A. Baird
William A. Baird

PURSUANT TO STIPULATION AND GOOD CAUSE APPEARING, IT IS SO ORDERED.

DATED: _____
Honorable Susan Illston
United States District Court Judge